

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/354,802	LIBMAN, RICHARD MARC	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeffrey A. Smith	3625	

All participants (applicant, applicant's representative, PTO personnel):

(1) Jeffrey A. Smith.

(3) Michael Q. Lee.

(2) Wynn Coggins.

(4) Richard M. Libman.

Date of Interview: 15 December 2004.

Type: a) ☐ Telephonic b) ☐ Video Conference  
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: Prosecution Timeline (attached); copy of claims 1, 3, 43, and 75 (attached).

Claim(s) discussed: 1.

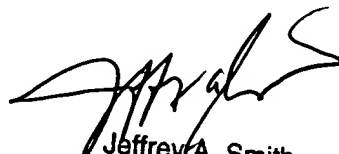
Identification of prior art discussed: US Pat. Nos. 5,710,889; 5,787,403; 5,822,735; 5,852,811; 6,141,666; 6,349,290; 6,513,019.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
 Jeffrey A. Smith  
 Primary Examiner

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Mr. Lee and Mr. Libman presented a summary of the invention and prosecution history. Mr. Lee advanced reasons as to why none of the prior art references, either alone or in combination, teach various aspects of the instant invention. Regarding claim 1, Mr. Lee expressed that the prior art did not teach the method steps, especially in a "mass marketing" environment. Other claims were discussed generally. Mr. Lee will file a Request for Reconsideration of the rejections which will be fully considered upon receipt.

**Prosecution Timeline**  
**09/354,802**

7/16/1999	Application filed
4/19/2002	<p>Examiner Akers mails first non-final Office Action.</p> <ul style="list-style-type: none"> <li>* 102(e) rejection based on Tobin</li> <li>* 103 rejection (dependent claims) based on Tobin + Atkins</li> </ul>
10/16/2002	Examiner Interview conducted.
10/21/2002	Applicant files Reply. Claims substantially amended.
12/9/2002	<p>Examiner Akers mails second non-final Office Action.</p> <ul style="list-style-type: none"> <li>* Three reference 103 rejection based on Tobin + <b><u>Clark + Randle</u></b></li> <li>* Four reference 103 rejection based on Tobin + Atkins + <b><u>Clark + Randle</u></b> (dependent claims)</li> </ul> <p>Rejections refer to claims as originally filed. Rejections do not take into consideration claim amendment of 10/21/2002.</p>
6/6/2003	<p>Applicant files Reply.</p> <ul style="list-style-type: none"> <li>* Claims amended</li> <li>* Applicant notes that rejections do not address claim amendment of 10/21/2002</li> <li>* Applicant distinguishes Tobin, Clark, Atkins and Randle</li> </ul>
7/18/2003	<p>Examiner Akers mails final Office Action.</p> <ul style="list-style-type: none"> <li>* Four reference 103 rejection based on Tobin + Clark + Randle + <b><u>Horowitz</u></b></li> <li>* Five reference 103 rejection based on Tobin + Atkins + Clark + Randle + <b><u>Horowitz</u></b> (dependent claims)</li> </ul> <p>Examiner Akers continues to ignore the claim amendments of 10/21/02 and 6/6/2003. Examiner instead focuses on claims as originally filed.</p>

1/16/2004	<p>Applicant files RCE and Reply to final Office Action.</p> <p>* Claims amended</p>
2/2/2004	<p>Examiner Akers mails non-final Office Action</p> <p>* Five reference 103 rejection based on Tobin + Clark + Randle + Horowitz + <u>Lewis</u></p> <p>* Six reference 103 rejection based on Tobin + Atkins + Clark + Randle + Horowitz + <u>Lewis</u> (dependent claims)</p> <p>Examiner continues to focus on claims as originally filed.</p>
8/2/2004	<p>Applicant files Reply.</p> <p>Applicant again notes that Examiner has not addressed previously filed claim amendments</p>
11/9/04	<p>Examiner Akers mails Final Office Action</p> <p>* Rejections from 2/2/2004 Office Action are maintained</p>

1. (Previously Amended) A method for automatically preparing customized replies to responses from one or more consumer entities, the method comprising:

receiving one or more responses from one or more consumer entities, said responses being in response to mass marketing communications relating to offerings for one or more financial products or services being offered as part of a mass marketing campaign;

preparing one or more replies, each of said replies specific to one of said responses or a subsequent response and customized for a consumer entity associated therewith, each of said replies having consumer entity-customized content comprising an offering for one or more financial products or services; and

delivering said replies to corresponding consumer entities.

3. (Previously Amended) A method for automatically preparing customized communications for a plurality of consumer entities, and replying to responses from consumer entities with customized replies, the method comprising:

automatically preparing a mass marketing customized communication for each consumer entity, said communication comprising information relating to an offering for one or more financial products or services being offered as part of a mass marketing campaign;

delivering each communication to a respective one of the plurality of consumer entities;

receiving one or more responses from at least some consumer entities;

preparing one or more replies for at least some of the responses or subsequent responses, each of said replies customized for a consumer entity associated therewith and having consumer entity-customized content comprising an offering for one or more financial products or services; and

delivering said replies to associated consumer entities.

43. (Currently Amended) A method for marketing of financial products and services, comprising:

selecting from among a plurality of consumer entities those consumer entities suitable for receiving a particular type of financial product or service offering;

automatically preparing marketing communications comprising offerings for said particular type of financial product or service or variant thereof to said selected consumer entities, said communications being part of a marketing campaign;

communicating said communications to said selected consumer entities;

receiving responses to said communications from at least some of said selected consumer entities;

automatically preparing replies to at least some of the responses, each of said replies customized for a consumer entity associated therewith and having consumer entity-customized content related to an offering for one or more financial products or services, or related to the associated consumer entity; and

communicating said replies to associated consumer entities.

75. (Previously Added) The method of claim 1, further comprising:

preparing a financial product or financial service specific for a given consumer entity based on information related to said given consumer entity;

wherein said preparing step comprises:

preparing a reply for said given consumer entity, said reply customized for said given consumer entity and comprising an offering for said specific financial product or financial service.